

RELIMINARY CONSIDERATIONS

3332

(Sept 1999)

It is necessary that employees who make surveys and plans for projects on property not owned or leased by the department, or who construct or use facilities on such property, clearly understand the need for proper permission from owners of the land. They must also know and understand the terms (including all standard and special conditions and limitations) of each agreement under which they are permitted to operate. The region establishes the procedures whereby all employees making use of any type of right-of-way agreement are informed of the terms of each document. No project work can commence until those terms have been brought to the attention of all supervising personnel responsible in any way for conduct of the project.

In order to justify expenditure of Capital Outlay funds for improvements, the site must be secured by either fee ownership or a lease of 25 years or more.

For access to facilities (administrative roads), documentation must be made secure by recording it. For other access (fire roads, etc.), the documentation need not be recorded.

Acquisition procedures are governed by the type of land ownership. These differing types of ownership require different kinds of documentation and different acquisition methods.

Ownership can be determined by reviewing county records or by obtaining a title report. For CDF's part in the acquisition procedures, County Records, even though not always reliable, should be adequate. For fee acquisition, General Services will order and obtain title reports during the acquisition period and after acquisition, will obtain a guaranteed report for the parcel, naming the state as landowner.

OWNERSHIPS

3332.1

(Sept 1999)

The types of ownership most commonly encountered by CDF are classified as follows:

Private

- Individuals
 - Unmarried men or women.
 - Community property of married couples.
 - Separate property of married persons.
 - Minors or incompetents.
- Trusts
- Estates
- Partnerships: general and limited.

- Corporations and other joint owners.

Public

- United States Department of Agriculture, Forest Service.
- United States Department of Interior, Bureau of Land Management
- United States Department of Interior, Bureau of Indian Affairs.
- California Department of Finance, Division of State Lands.
- California Department of Public Works, Department of Transportation.
- Counties, municipalities, special districts, etc.

COURT ORDER EXPENSES

3332.2

(Sept 1999)

If the grantor to the state must incur any expenses in obtaining a court order authorizing execution of the agreement, the state will pay for such cost. A statement to that effect must be written into the agreement. This statement should be written at the bottom of the form under "Conditions." It should read as follows, with proper names, titles and cost inserted:

The State agrees to reimburse \$ _____ for expenses incurred in obtaining the court order authorizing _____ to be Executor (or Executrix, Administrator, Guardian, etc.) for the Estate of _____, deceased.

Department officials are authorized to pay not more than fifty dollars (\$50) for such services, and any expenses for obtaining the court order will be charged to the appropriate budget under which the project was authorized. This may be paid through a subpurchase order attached to the agreement. The subpurchase order will be held pending final approval of the agreement by proper authority.

OTHER EXPENSES

3332.3

(Sept 1999)

Sometimes the state's use of a right-of-way will cause a cost or loss to the owner, which the state may recognize in the terms of an agreement. Cutting of timber on the right of way is an example. In such a case the value of the timber must be specifically determined and an agreement reached with the owner.

The letter of transmittal to Technical Services for such a document must contain adequate justification for the said reimbursement, based upon the market value for such a payment. For instance, right-of-way timber values should be justified on the basis of current market prices. CDF is authorized to make timber subject to DGS review value appraisals; however, land appraisals will normally be made by DGS.

INDEMNIFICATION (STATE SELF-INSURED)

3332.4

(Sept 1999)

The State of California has elected to be insured for its Motor Vehicle and General Liability Exposures through a self-insurance program. The State Attorney General administers this program through an annual appropriation from the General Fund.

Under this form of insurance, the state and its employees (as defined in Section 810.2 Government Code) are insured for any tort liability that may develop through carrying out official activities, including state official operations on nonstate-owned property. Should any claims arise by reason of such operations under an official contract or license agreement, they should be referred to the Attorney General, State of California, Tort Liability Section, 1515 "K" Street, Sacramento, CA 95814. Claims arising from operations of a state-owned vehicle should be forwarded to Auto Self-Insurance, 926 "J" Street, Suite 615, Sacramento, CA 95814.

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